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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SOLOMON FARR,
Plaintiff,

v.

SOLANO COUNTY,
Defendant.

No. C 08-5299 MMC (PR)

ORDER OF TRANSFER

(Docket No. 2)

On November 21, 2008, plaintiff, a California prisoner incarcerated at the California Rehabilitation Center in Norco, California, and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges his constitutional rights were violated, in November 2007, during the course of his transfer from the Solano County Jail to High Desert State Prison. He is suing Solano County for monetary damages.

Venue may be raised by the court sua sponte where the defendant has not filed a responsive pleading and the time for doing so has not run. See Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986). When jurisdiction is not founded solely on diversity, venue is proper in (1) the district in which any defendant resides, if all of the defendants reside in the same state; (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is

1 situated; or (3) a judicial district in which any defendant may be found, if there is no district
2 in which the action may otherwise be brought. See 28 U.S.C. § 1391(b). When venue is
3 improper, the district court has the discretion to either dismiss the case or transfer it “in the
4 interest of justice.” See 28 U.S.C. § 1406(a).


5 It is clear from the complaint that plaintiff’s claims arise out of acts alleged to have
6 been committed by employees of Solano County. Solano County is located in the Eastern
7 District of California. See 28 U.S.C. § 84(b). Consequently, venue is proper in the Eastern
8 District, not in the Northern District.

9 Accordingly, in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), the above-
10 titled action is hereby TRANSFERRED to the United States District Court for the Eastern
11 District of California. In light of the transfer, this Court will defer to the Eastern District
12 with respect to plaintiff’s application to proceed in forma pauperis.

13 This order terminates Docket No. 2.

14 IT IS SO ORDERED.

15 DATED: December 4, 2008

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17 MAXINE M. CHESNEY
18 United States District Judge
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